## REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated July 22, 2008 and the Advisory Action of October 21, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1 and 7-17 are pending in the Application.

In the Final Office Action, claims 1, 7, 13 and 17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,442,604 to Osada ("Osada") in view of U.S. Patent No. 5,157,642 to Tsukamura ("Tsukamura"). Claims 8-10 and 12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Osada in view of Tsukamura in further view of European Patent Application No. 0862169 to Tomonori ("Tomonori"). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Osada in view of Tsukamura in further view of Tomonori and U.S. Patent No. 5,539,710 to Tokushuki ("Tokushuki"). Claims 14-16 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Osada in view of Tsukamura in further view of European Patent Application No. 0938038 to Fukue ("Fukue") and Tomonori. These

rejections of claims 1 and 7-17 are respectfully traversed. It is respectfully submitted that claims 1 and 7-17 are allowable over Osada in view of Tsukamura alone and in view of any combination of Tomonori, Tokushuki and Fukue for at least the following reasons.

The deficiencies of Osada and particular teachings of Tsukamura are acknowledged in both the Final Office Action and the Advisory Action.

The Advisory Action, does not dispute that Tsukamura makes clear that "[w]hen the movement velocity of the optical head is fast [during a jump], the address area or servo area cannot be accurately detected and the mirror area cannot be detected. In this case, the terminal c of the switch $SW_1$ is selected by a control signal $S_2$ which is output from the data processing block 13 and the drive signal of the objective lens 11A supplied to the drive amplifier 19A is set to zero." (See, Advisory Action and Tsukamura, FIG. 4, and accompanying description contained in Col. 5, lines 40-47.)

However, the Advisory Action takes a position that this particular teaching of Tsukamura "overlooks the case when the 'b' terminal and/or the 'a' terminal is selected in the switch SW1

(Tsukamura; col. 4, lines 32-58; col. 5, lines 15-22 and 48-65). Further, claims 1 and 17 of the instant applicant make no mention of how fast or how slow the jump operation is moving or operating so as to generate a control signal that is based on an actuator deviation signal representing a difference between the actuator position and the sledge position." (See, Advisory Action.)

This position is respectfully traversed. The Applicant has not neglected the teachings of Tsukamura. The Applicant readily appreciates, as a person of ordinary skill in the art readily appreciates, a jump operation creates a high speed access problem (see, present application, FIG. 2, and page 6, line 29 through page 5, line 5). The claims are directed to solving this high speed access problem during a jump operation.

It is respectfully submitted that even Tsukamura appreciates this and identifies that (emphasis added) "[w]hen a target track on the optical disc is sought by the optical head as mentioned above, in general, a jump signal is supplied to the coarse actuator. The optical head is moved at a high speed to seek in the direction toward the inner track or toward the outer track on the optical

disc ..." (See, Tsukamura, Col. 1, line 65 through Col. 2, line 2.)

It is during this high speed access caused by a jump operation, that Tsukamura teaches the control signal for the lens actuator is held to zero and is not based on an actuator deviation signal representing a difference between the actuator position and the sledge position (see, teachings of Tsukamura discussed above).

It is respectfully submitted that the maintaining of the rejection of the pending claims in the Final Office Action and the Advisory Action ignores this specific teaching of Tsukamura.

However, in the interest of expediting consideration and allowance of the pending claims, the Applicant has elected to amend the claims.

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of Osada in view of Tsukamura. For example, Osada in view of Tsukamura does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein the control unit is designed, during a jump operation, to continuously generate said control signal (SCL) for the lens actuator at least

partly on the basis of an actuator deviation signal (SAS) representing a difference between actuator position (XA) and sledge position (XS) irrespective of a position of the lens actuator with respect to an optical disk" as recited in claim 1, and as similarly recited in claim 17.

It is respectfully submitted that it can not be ignored that during a jump operation, a high-speed access condition occurs since even the reference cited in the Final Office Action and the Advisory Action, namely Tsukamura, identifies this same condition during a jump operation. Accordingly, the attempts of the Advisory Action to focus on how fast or slow the jump operation is, ignores this understanding of a person of ordinary skill in the art.

Accordingly, it is clear that Tsukamura does not disclose or suggest that during a jump operation, the control signal for the lens actuator is continuously generated at least partly on the basis of an actuator deviation signal representing a difference between actuator position and the sledge position as substantially recited in each of claims 1 and 17.

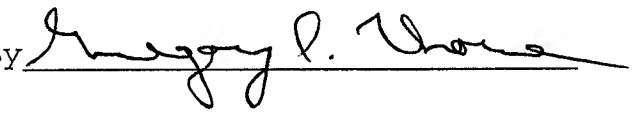
Based on the foregoing, the Applicant respectfully submits that independent claims 1 and 17 are patentable over Osada in view

of Tsukamura and notice to this effect is earnestly solicited. Claims 7-16 depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
January 13, 2009

**THORNE & HALAJIAN, LLP**
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101